



DEPARTMENT OF THE ARMY
HEADQUARTERS, 41ST FIRES BRIGADE
BLDG 10053
FORT HOOD, TEXAS 76544

AFYB-FB-CDR

8 October 2009

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Brigade Command Policy Letter #2 - Withholding Authority to Dispose of Misconduct

1. REFERENCE. Manual for Courts-Martial, United States, 2008 Edition, Rule for Courts-Martial (R.C.M.) 306.
2. APPLICABILITY. This Policy applies to all units or personnel assigned or attached to 41st Fires Brigade.
3. POLICY.

A. Noncommissioned Officer Misconduct. I withhold authority to dispose of any alleged misconduct committed by noncommissioned officers in the grade of E7 and above. This authority encompasses any adverse administrative actions, to include reprimands. Exceptions to this Policy may be requested on a case-by-case basis and will be submitted to the Commander, 41st Fires Brigade, through the 41st Fires Brigade Command Judge Advocate.

B. Rape, sexual assault, and other sexual misconduct. I withhold authority to dispose of any alleged misconduct in violation of Article 120, Uniform Code of Military Justice, and any misconduct involving child pornography in violation of Article 134, Uniform Code of Military Justice. This authority encompasses any adverse administrative actions, to include reprimands. Exceptions to this Policy may be requested on a case-by-case basis and will be submitted to the Commander, 41st Fires Brigade, through the 41st Fires Brigade Command Judge Advocate.

C. Desertion or AWOL greater than 30 days. IAW III Corps & FH Reg 27-10, I will dispose of any misconduct that involves Desertion or AWOL greater than 30 days.

D. Domestic Violence or Weapons related offenses. IAW III Corps & FH Reg 27-10, I will dispose of any misconduct that involves Domestic Violence or Weapons related offenses. Exceptions to this Policy may be requested on a case-by-case basis and will be submitted to the Commander, 41st Fires Brigade, through the 41st Fires Brigade Command Judge Advocate.

4. EXPIRATION. This policy supersedes any previous 41st Fires Brigade Withholding Authority and will remain in effect until superseded or rescinded.

AFYB-FC-CO

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5. Point of Contact for this memorandum is the 41st Fires Command Judge Advocate, CPT Daniel Scialpi, at Daniel.W.Scialpi@conus.army.mil.


JOHN C. THOMSON, III
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